

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

Draft

**AIR QUALITY PERMIT
Issued under 401 KAR 52:030**

Permittee Name: Alcan Composites USA, Inc.
Mailing Address: P.O. Box 507
Benton, KY 42025

Source Name: Alcan Composites USA, Inc.
Mailing Address: P.O. Box 507
Benton, KY 42025

Source Location: 208 West 5th Street, Benton, KY 42025

Permit ID: F-06-056
Agency Interest #: 2916
Activity ID: APE20050001
Review Type: Conditional Major
Source ID: 21-157-00027

Regional Office: Paducah Regional Office
130 Eagle Nest Drive
Paducah, KY 42003
(270) 898-8468

County: Marshall

**Application
Complete Date:** 10/7/2005
Issuance Date:
Revision Date:
Expiration Date:

**John S. Lyons, Director
Division for Air Quality**

Revised 09/29/06

TABLE OF CONTENTS

SECTION	ISSUANCE	PAGE
A. PERMIT AUTHORIZATION	Initial	1
B. EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS	Initial	2
C. INSIGNIFICANT ACTIVITIES	Initial	8
D. SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS	Initial	9
E. SOURCE CONTROL EQUIPMENT REQUIREMENTS	Initial	11
F. MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS	Initial	12
G. GENERAL PROVISIONS	Initial	15
H. ALTERNATE OPERATING SCENARIOS	Initial	21
I. COMPLIANCE SCHEDULE	Initial	21

	Permit type	Activity #	Complete Date	Issuance Date	Summary of Action
F-06-056	Initial Issuance	APE20050001	10/7/2005		Initial issuance under 401 KAR 52:030

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**01 Emission Point Description:**

01 (01) Double Sided Coil & Drying Oven (Non-stack fugitive emissions)

Installation date: 1988

Control equipment: None

01 (02) Double Sided Coil Coater & Drying Oven (Stack emissions)

Manufacturer: Hunter Engineering Co. Inc

Installation date: 1988

Control equipment: Thermal Oxidizer

Manufacturer: Smith Environmental Corp.

Burner rating: 12,000,000 Btu/hr

Installation date: 1988

Control efficiency: 98.8%

APPLICABLE REGULATIONS:

401 KAR 60:005 incorporating by reference 40 CFR 60, Subpart TT, *Standards of Performance for Metal Coil Surface Coating*, applicable to facilities commencing construction, modification, or reconstruction after January 5, 1981.

1. Operating Limitations:

The material input usage to EP 01 shall be limited such that the permittee is in compliance with the source-wide emission limitations specified at **2.b Emission Limitations**.

2. Emission Limitations:

- a. Pursuant to 40 CFR 60.462(a), on and after the date on which 40 CFR 60.8 requires a performance test to be completed, each owner or operator subject to 40 CFR 60, Subpart TT, shall not cause to be discharged into the atmosphere more than:
 - i. 0.14 kg VOC/ l of coating solids applied for each calendar month for each affected facility that continuously uses an emission control device(s) operated at the most recently demonstrated overall efficiency [40 CFR 60.462(a)(2)]; or
 - ii. 10 percent of the VOCs applied for each calendar month (90 percent emission reduction) for each affected facility that continuously uses an emission control device(s) operated at the most recently demonstrated overall efficiency [40 CFR 60.462(a)(3)].
- b. Refer to **Section D.3, Source Emission Limitations** for hazardous air pollutant (HAP) and volatile organic compounds (VOC) source wide emission limitations.

Compliance Demonstration Method:

- a. For compliance with paragraph **a.** above refer to **3. Testing Requirements** below.
- b. For compliance with the source wide limits in paragraph **b.** above refer to **Section D.3, Source Emission Limitations, Compliance Demonstration Method**.

3. Testing Requirements:

Pursuant to 40 CFR 60.463:

- a. Sections 40 CFR 60.8(d) and (f) do not apply to the performance test.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- b. The permittee shall conduct an initial performance test as required under 40 CFR 60.8(a) and thereafter a performance test for each calendar month for each affected facility according to the procedures in 40 CFR 60.463. [Initial performance test conducted on April 27, 2000]
- c. The permittee shall use the following procedure for determining monthly volume-weighted average emissions of VOC's in Kg/l of coating solids applied.

The permittee shall use the following procedures for each affected facility that continuously uses a capture system and a control device that destroys VOC's (e.g., incinerator) to comply with the emission limit specified under 40 CFR 60.462(a) (2) or (3)

- i. Determine the overall reduction efficiency (R) for the capture system and control device.

For the initial performance test, the overall reduction efficiency (R) shall be determined as prescribed in paragraphs (c)(2)(i) (A), (B), and (C) of 40 CFR 60.463. In subsequent months, the owner or operator may use the most recently determined overall reduction efficiency (R) for the performance test, providing control device and capture system operating conditions have not changed. The procedure in paragraphs (c)(2)(i) (A), (B), and (C) of 40 CFR 60.463, shall be repeated when directed by the Administrator or when the owner or operator elects to operate the control device or capture system at conditions different from the initial performance test.

1. determine the fraction (F) of total VOC's emitted by an affected facility that enters the control device using the following equation:

$$F = \frac{\sum_{i=1}^l C_{bi} Q_{bi}}{\sum_{i=1}^l C_{bi} Q_{bi} + \sum_{i=1}^p C_{fi} Q_{fi}}$$

Where:

l is the number of gas streams entering the control device,
 p is the number of gas streams emitted directly to the atmosphere,
 C_b is the VOC concentration in each gas stream entering the control device (parts per million by volume, as carbon),
 Q_b is the volumetric flow rate of each gas stream entering the control device (dry standard cubic meters per hour),
 C_f is the VOC concentration in each gas stream emitted directly to the atmosphere (parts per million by volume, as carbon), and
 Q_f is the volumetric flow rate of each gas stream emitted directly to the atmosphere (dry standard cubic meters per hour).

2. Determine the destruction efficiency of the control device (E) using values of the volumetric flow rate of each of the gas streams and the

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

VOC content (as carbon) of each of the gas streams in and out of the device by the following equation:

$$E = \frac{\sum_{i=1}^n Q_{bi} C_{bi} - \sum_{i=1}^m Q_{ai} C_{ai}}{\sum_{i=1}^n Q_{bi} C_{bi}}$$

Where:

n is the number of gas streams entering the control device,

m is the number of gas streams leaving the control device and entering the atmosphere,

Q_a is the volumetric flow rate of each gas stream leaving the control device and entering the atmosphere (dry standard cubic meters per hour),

C_a is the VOC concentration in each gas stream leaving the control device and entering the atmosphere (parts per million by volume, as carbon),

C_b is the VOC concentration in each gas stream entering the control device (parts per million by volume, as carbon), and

Q_b is the volumetric flow rate of each gas stream entering the control device (dry standard cubic meters per hour).

The permittee shall construct the VOC emission reduction system so that all volumetric flow rates and total VOC emissions can be accurately determined by the applicable test methods and procedures specified in 40 CFR 60.466. The permittee shall construct a temporary enclosure around the coating applicator and flashoff area during the performance test for the purpose of evaluating the capture efficiency of the system. The enclosure must be maintained at a negative pressure to ensure that all VOC emissions are measurable. If a permanent enclosure exists in the affected facility prior to the performance test and the Administrator is satisfied that the enclosure is adequately containing VOC emissions, no additional enclosure is required for the performance test.

3. Determine overall reduction efficiency (R) using the following equation:

$$R = EF$$

If the overall reduction efficiency (R) is equal to or greater than 0.90, the affected facility is in compliance and no further computations are necessary. If the overall reduction efficiency (R) is less than 0.90, the average total VOC emissions to the atmosphere per unit volume of coating solids applied (N) shall be computed as follows.

- ii. Calculate the volume-weighted average of the total mass of VOC's per unit volume of coating solids applied (G) during each calendar month for each affected facility using equations in paragraphs (c)(1)(i) (A), (B), and (C) of 40 CFR 60.463:

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- A. Calculate the mass of VOC's used ($M_o + M_d$) during each calendar month for each affected facility by the following equation:

$$M_o + M_d = \sum_{i=1}^n L_{oi} D_{oi} W_{oi} + \sum_{j=1}^m L_{dj} D_{dj}$$

($\sum L_{dj} D_{dj}$ will be 0 if no VOC solvent is added to the coatings, as received)

Where:

n is the number of different coatings used during the calendar month,
and

m is the number of different VOC solvents added to coatings used during the calendar month.

- B. Calculate the total volume of coating solids used (L_s) in each calendar month for each affected facility by the following equation:

$$L_s = \sum_{i=1}^n V_{si} L_{ci}$$

Where:

n is the number of different coatings used during the calendar month.

- C. Calculate the volume-weighted average mass of VOC's used per unit volume of coating solids applied (G) during the calendar month for each affected facility by the following equation:

$$G = \frac{M_o + M_d}{L_s}$$

- iii. Calculate the volume-weighted average of VOC emissions to the atmosphere (N) during each calendar month by the following equation:

$$N = G (1 - R)$$

Where:

G = volume-weighted average mass of VOC's in coatings consumed in a calendar month per unit volume of coating solids applied (kilograms per liter)

- iv. If the volume-weighted average mass of VOC's emitted to the atmosphere for each calendar month (N) is less than or equal to 0.14 kg/l of coating solids applied, the affected facility is in compliance. Each monthly calculation is a performance test.

4. Specific Monitoring Requirements:

Pursuant to 40 CFR 60.464, the permittee shall install, calibrate, operate, and maintain a device that continuously records the combustion temperature of any effluent gases incinerated to achieve compliance with 40 CFR 60.462(a)(2), (3), or (4). This device shall have an accuracy of $\pm 2.5^\circ\text{C}$ or ± 0.75 percent of the temperature being measured expressed in degrees Celsius, whichever is greater. The permittee shall also record all

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

periods (during actual coating operations) in excess of 3 hours during which the average temperature in any thermal incinerator used to control emissions from an affected facility remains more than 28°C (50°F) below the temperature at which compliance with 40 CFR 60.462(a)(2), (3), or (4) was demonstrated during the most recent measurement of incinerator efficiency required by 40 CFR 60.8. The records required by 40 CFR 60.7 shall identify each such occurrence and its duration.

5. Specific Record Keeping Requirements:

- a. Pursuant to 40 CFR 60.465(b), where compliance with 40 CFR 60.462(a)(2), (3), or (4) is achieved through the use of an emission control device that destroys VOC's, the permittee shall include the following data in the initial compliance report required by 40 CFR 60.8.
 - i. The overall VOC destruction rate used to attain compliance with 40 CFR 60.462(a)(2), (3), or (4) and the calculated emission limit used to attain compliance with 40 CFR 60.462(a)(4); and
 - ii. The combustion temperature of the thermal incinerator used to attain compliance with 40 CFR 60.462(a)(2), (3), or (4).
- b. The permittee shall maintain at the source, for a period of at least five (5) years, records of all data and calculations used to determine monthly VOC emissions from each affected facility and to determine the monthly emission limit, where applicable. Where compliance is achieved through the use of thermal incineration, the permittee shall maintain, at the source, daily records of the incinerator combustion temperature.
- c. Refer to **Section D.4, Specific Record Keeping Requirements** for source wide record keeping requirements.

6. Specific Reporting Requirements:

- a. The permittee shall identify, record, and submit a written report to the Administrator every calendar quarter of each instance in which the volume-weighted average of the local mass of VOC's emitted to the atmosphere per volume of applied coating solids (N) is greater than the limit specified under 40 CFR 60.462. If no such instances have occurred during a particular quarter, a report stating this shall be submitted to the Administrator semiannually. [40 CFR 60.465(c)]
- b. The permittee shall submit reports semi annually for all 3-hour periods when the incinerator temperature drops more than 28 °C below the temperature established during the most recent performance test used to demonstrate compliance. If no such periods occur, the permittee shall state this in the report. [40 CFR 60.465(d)]
- c. Also refer to **4. Specific Monitoring Requirements** and **5 Specific Record Keeping Requirements**.
- d. Also refer to **Section D.5, Specific Reporting Requirements** for source wide reporting requirements.

7. Specific Control Equipment Operating Conditions: None

8. Alternate Operating Scenarios: None

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

02 Emission Point Description:

02 (09) Sintra extruders (1, 2, 3, and 4)
 Manufacturer: Kraus Maffei
 Installation date: July 1, 1996
 Rated capacity: 1100 lb/hr
 Control equipment: None

APPLICABLE REGULATIONS:

None

1. Operating Limitations:

None

2. Emission Limitations:

Refer to **Section D.3, Source Emission Limitations** for hazardous air pollutant (HAP) and volatile organic compounds (VOC) source wide emission limitations.

Compliance Demonstration Method:

For compliance with the source wide limits above refer to **Section D.3, Source Emission Limitations, *Compliance Demonstration Method*.**

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

See 5. **Specific Record Keeping Requirements**.

5. Specific Record Keeping Requirements:

Refer to **Section D.4, Specific Record Keeping Requirements** for source wide reporting requirements.

6. Specific Reporting Requirements:

Refer to **Section D.5, Specific Reporting Requirements** for source wide reporting requirements.

7. Specific Control Equipment Operating Conditions:

None

8. Alternate Operating Scenarios:

None

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>		<u>Generally Applicable Regulation</u>
1. 03 (03)	Two polyethylene grinders	401 KAR 59:010
2. 04 (04)	PVC Compounder	401 KAR 59:010
3. 05 (05)	Truck to Silo transfer System	401 KAR 59:010
4. 06 (06)	PVC compound transfer system: mixer to silos	401 KAR 59:010
5. 07 (07A, 07B, 7C)	Three portable Sintra Grinders	401 KAR 59:010
6. 08 (08)	PVC compound transfer system: silos to Sintra extruders (1,2,3,4)	401 KAR 59:010
7. 10 (10)	Sintra sawing, Lines 1,2,3,4	401 KAR 59:010
8. 11 (11)	Emergency Diesel Generator Capacity: 300 kW	None
9. 12 (12)	Sintra Line Contact Cooling Tower Capacity: 250 gals/min.	None
10. 13 (13)	Alucobond Line Non-contact Cooling Tower Capacity: 300 gals/min.	None
11. 14 (14)	Paint Line Non-contact Cooling Tower Capacity: 120 gals/min.	None
12. 15 (15)	Solvent Recovery Still and Vacuum Receiver	None
13. 16 (16)	Emergency Generator Capacity: 587 hp (438 KW), 300-gallon diesel tank.	None
14. 17 (17)	Enercon Model APT 12/2 Plasma Treater on Sintra Line 1 (6000 – 7000 V)	None
15. 18(18)	Enercon Model APT 12/2 Plasma Treater on Sintra Line 2 (6000 – 7000 V)	None

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources incorporated by reference in 401 KAR 52:030, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Volatile Organic Compounds (VOC) and Hazardous Air Pollutant (HAP) emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.
3. **Source Emission Limitations:**
To preclude the applicability of 401 KAR 52:020, *Title V permits*, the total annual source-wide emissions shall not exceed the following limitations on a twelve (12) consecutive month basis:
 - a. Volatile organic compound (VOC) emissions shall not equal or exceed 90 tons per twelve (12) consecutive month basis;
 - b. Emissions of any single hazardous air pollutants (HAP) shall not exceed 9 tons per twelve (12) consecutive month basis; and
 - c. Emissions of combined hazardous air pollutant (HAPs) shall not exceed 22.5 tons per twelve (12) consecutive month basis.

Compliance Demonstration Method:

- a. Calculate annual source-wide emissions from all emission units for each month of the previous 12-month period (i.e.: for the month of January, the compliance demonstration shall be completed in February and shall include all data from February of the previous year to the last day of January).
- b. See **Source Recordkeeping Requirements**.
- c. See **Source Reporting Requirements**.

All emission calculations shall be based on the sum of the monthly emission rates from each emission point (i.e., **Sections B and C**) during each twelve (12) consecutive month period. The monthly emission rates shall be defined as the sum of the products of the processing rates multiplied by each respective emission factor for each emission point.

4. **Source Recordkeeping Requirements:**
 - a. The permittee shall monitor and maintain records at the source of the following:
 - i. Amount of each material, including coatings, adhesives, thinners, solvents and clean-up materials, used each month and during the previous eleven (11) months;
 - ii. Weight in tons of VOC contained in each material recorded in accordance with paragraph 4.a.i;
 - iii. Weight in tons of each HAP contained in each material recorded in accordance with paragraph 4.a.i; and
 - iv. A summary of VOC/HAP emissions, including sample calculations, from the above for each month, and each month's rolling twelve month total emissions.
 - b. All records shall be maintained for a period of at least five years.

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

5. Source Reporting Requirements:

To demonstrate compliance with the emission limitation in 2. **Emission Limitations** the permittee shall submit a report semiannually summarizing:

- a. Amount of each material, including coatings, adhesives, thinners, solvents and clean-up materials, used each month and during the previous eleven (11) months;
- b. Weight in tons of VOC contained in each material recorded in accordance with paragraph 4.a.i;
- c. Weight in tons of HAP contained in each material recorded in accordance with paragraph 4.a.i; and
- d. A summary of emissions, including sample calculations, from the above for each month, and each month's rolling twelve month total emissions

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place (as defined in this permit), and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [401 KAR 52:030 Section 3(1)(f)1a and Section 1a-7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
3. In accordance with the requirements of 401 KAR 52:030 Section 3(1)f the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Deviations from permit requirements, including those previously reported under F.7 above, shall be included in the semiannual report required by F.6 [Sections 1b-V, 3 and 4 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
9. Pursuant to 401 KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit in accordance with the following requirements:
 - a. Identification of each term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality
Paducah Regional Office
130 Eagle Nest Dr.
Paducah, KY 42003-9435

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

10. In accordance with 401KAR 52:030, Section 3(1)(d), the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee. If a KYEIS emission survey is not mailed to the permittee, then the permittee shall comply with all other emission reporting requirements in this permit.
11. The Cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
- a. The owner or operator shall submit to the Cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
 - (1) The size and location of both the original and replacement units; and
 - (2) Any resulting change in emissions;
 - b. The potential to emit (PTE) of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
 - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
 - d. The replacement unit shall comply with all applicable requirements; and
 - e. The source shall notify Regional office of all shutdowns and start-ups.
 - f. Within six (6) months after installing the replacement unit, the owner or operator shall:
 - (1) Re-install the original unit and remove or dismantle the replacement unit; or
 - (2) Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS**1. General Compliance Requirements**

- a. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit [Section 1a-2 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-5 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:030 Section 12;
 - (2) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

- d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 6 and 7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:030 Section 3(1)(c)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:030 Section 7(1)].
- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-11 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens. [Section 1a-12-b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6) [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:030 Section 11(3)].
- l. This permit does not convey property rights or exclusive privileges [Section 1a-8 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
- o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.

SECTION G - GENERAL PROVISIONS (CONTINUED)

- p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
- q. Pursuant to 401 KAR 52:030, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - (1) Applicable requirements that are included and specifically identified in this permit; and
 - (2) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:030 Section 12].
- b. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:030 Section 8(2)].

3. Permit Revisions

- a. Minor permit revision procedures specified in 401 KAR 52:030 Section 14(3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14(2).
- b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

4. Construction, Start-Up, and Initial Compliance Demonstration Requirements

No construction authorized by this permit.

SECTION G - GENERAL PROVISIONS (CONTINUED)**5. Testing Requirements**

- a. Pursuant to 401 KAR 50:045 Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.
- b. Pursuant to 401 KAR 50:045 Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.
- c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Acid Rain Program Requirements

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

7. Emergency Provisions

- a. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - (1) An emergency occurred and the permittee can identify the cause of the emergency;
 - (2) The permitted facility was at the time being properly operated;
 - (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,

SECTION G - GENERAL PROVISIONS (CONTINUED)

- (4) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two (2) working days of the time when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.
 - (5) Notification of the Division does not relieve the source of any other local, state or federal notification requirements.
 - b. Emergency conditions listed in General Provision G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030 Section 23(3)].
 - c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:030 Section 23(2)].
- 8. Ozone depleting substances
 - a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - (1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - (2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - (3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - (5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
 - b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.
- 9. Risk Management Provisions
 - a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

SECTION G - GENERAL PROVISIONS (CONTINUED)

RMP Reporting Center
P.O. Box 1515
Lanham-Seabrook, MD 20703-1515.

- b. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION H - ALTERNATE OPERATING SCENARIOS

None

SECTION I - COMPLIANCE SCHEDULE

None